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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/982,125	10/17/2001	James N. Weinstein	5506 9344	
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John O'Toole, Esq. General Mills, Inc. P.O. Box 1113			EXAMINER	
			DEL SOLE, JOSEPH S	
Minneapolis, MN 55440			ART UNIT	PAPER NUMBER
			1722	5
·		•	DATE MAIL ED. 06/26/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No.   Application No.   Cognitive   Cognit							
### Defice Action Summary    Caminer   Joseph S. Del Sole   1722	- · · · · · · · · · · · · · · · · · · ·	Application No.	Applicant(s)				
Joseph S. Del Sole	Office Action Comment	09/982,125	WEINSTEIN ET AL.				
Prior MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions interrary be available under the procession of 3 CFR 1-18(s). In no event, however, may a reply be timely filed  the period for reply second above is less than thirty (30) alays, a reply within the satulatory minimum of thirty (30) slays will be considered filed.  If the period for reply second above is less than thirty (30) alays, a reply within the satulatory minimum of thirty (30) slays will be considered filed.  If the period for reply second above is less than thirty (30) alays, a reply within the satulatory minimum of thirty (30) slays will be considered filed.  If the period for reply second above is less than thirty (30) alays, a reply within the satulatory minimum of thirty (30) slays will be considered filed.  If the period for reply second and second and station is reply within the satulatory minimum of thirty (30) slays will be considered filed.  Provided the second second and station is reply within the satulatory minimum of thirty (30) slays will be considered filed.  Provided the second s	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  - Excessions of time may be subjected or the communication.  - Excessions of time may be subjected to be subjected to be subjected to by the Examiner.  - In the part of Claims.  - In th		ears on the cover sheet with th	e correspondence address				
2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-33 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  7) Claim(s) is/are objected to by the Examiner.  10) The specification is objected to by the Examiner.  11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)  1 The translation of the foreign language	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS fr , cause the application to become ABANDO	e timely filed  days will be considered timely.  om the mailing date of this communication.  NED (35 U.S.C. § 133).				
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PTO-326 (Rev. 04-01)

Office Action Summary Part of Paper No. 5

Art Unit: 1722

## **DETAILED ACTION**

## Election/Restrictions

- Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-10 and 26-33, drawn to an assembly for a drive, classified in I. class 74,
  - 11. Claims 11-25, drawn to rotary cutter with die, classified in class 425, subclass 313.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require pulleys or a pivotal cover. The subcombination has separate utility such as an assembly for rotating a buffing mechanism.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Mr. Alan D. Kamrath on June 17, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Application/Control Number: 09/982,125

Art Unit: 1722

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

J.S.D. June 23, 2003 S Del SH

ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300 / 70

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